of A's prior dealings with B; and, although it does not so appear upon the record, it must be suspected that A's conduct in obtaining the pledge was fraudulent. *Held*, that the pledge interest so procured passed by estoppel to B so as to enable B to hold the jewels as against the general owner until the latter should pay the amount which A had loaned her. *Blundell-Leigh* v. *Attenborough*, [1921] 3 K. B. 235 (C. A.).

For a discussion of the principles involved in this aspect of the case, see NOTES, *supra*, p. 456. (The questions of the law of pledges raised by this decision were considered in 35 HARV. L. REV. 318.)

EVIDENCE — CONFESSIONS — ADMISSIONS — NECESSITY OF PROVING THAT THEY ARE VOLUNTARY. — In a prosecution for maintaining a bawdy-house, a witness testified that the defendant told him that she was the occupant of the house. The prosecution had not prefaced this introduction of evidence with anything to show that the accused's statement was voluntarily made. *Held*, that the admission of the testimony was error. *Rex* v. *Jones*, [1921] 3 W. W. R. 411 (Alta.).

A confession is an admission of guilt in a criminal case. Before it may be introduced in evidence the prosecution must show that it was voluntarily made. *Ibrahim* v. *Rex*, [1914] A. C. 599; *Reg.* v. *Thompson*, [1893] 2 Q. B. 12. Otherwise it is excluded as untrustworthy. *Comm.* v. *Myers*, 160 Mass. 530, 36 N. E. 481. See *Reg.* v. *Scott*, 1 D. & B. 47, 58. No such requirement exists as to other admissions, whether in civil or criminal cases. See *Newhall* v. *Jenkins*, 68 Mass. 562, 563; *Stockfleth* v. *De Tastet*, 4 Camp. 10, 11. See 1 WIGMORE, EVIDENCE, § 821 (3) and 2 *ibid.*, § 1050. The difference in practice is usually referred to the law's solicitude for the prisoner, and to the greater untrustworthiness of confessions, due to the likelihood of yielding to coercion or promise because of what is at stake. See 1 WIGMORE, *op. cit.*, § 815. There is, moreover, the factor, not noted in the cases, of the accused's privilege against testifying. If confessions which are *ex hypothesi* untrustworthy are received, the accused may be forced on the stand in self-protection and be exposed to a complete violation of the privilege the law has said should be his. See 3 WIGMORE, *op. cit.*, § 2276(2). These considerations, which lead to the requirement that the prosecution show lack of threat or promise before it introduces a confession, would seem to apply with about equal weight to other admissions in criminal cases. Hence, although the statement in the principal case is properly to be regarded as an admission short of a confession, the result seems desirable.

FEDERAL COURTS — JURISDICTION — ENJOINING PROCEEDINGS UNDER STATE EXECUTIONS VIOLATING FEDERAL LAW. — Judgments were recovered in a state court against the petitioner and the Director General of Railroads on causes of action arising while the railroad was under Federal control. Executions were caused to be issued commanding the sheriff to satisfy the judgments by sale of the petitioner's property. The latter seeks in a Federal court to enjoin the sheriff and the plaintiffs in the executions from further proceedings in violation of a Federal statute providing that no execution shall be levied on the property of any railroad under a judgment where the cause of action arose during Federal control. (41 STAT. AT L. 462.) *Held*, that the temporary injunction be made permanent. *Seaboard Air Line Co.* v. *Fowler*, 275 Fed. 239 (W. D. N. C.).

A statute provides that Federal courts may not enjoin proceedings in state courts except in bankruptcy cases. 36 STAT. AT L. 1162. See 1 JOYCE, INJUNCTIONS, §§ 88, 600. Executions and sales in satisfaction of valid judgments fall within this prohibition. *Mills* v. *Provident Life & Trust Co. of Phila.*, 100 Fed. 344 (9th Circ.); *American Ass'n* v. *Hurst*, 59 Fed. 1 (6th Circ.). But

see 2 FOSTER, FEDERAL PRACTICE, 6 ed., § 270. *Contra*, *Cropper* v. *Coburn*, 2 Curt. (U. S.) 465 (D. Mass.). But in spite of the statute an injunction will issue in a Federal court against the collection of a state judgment fraudulently obtained. *Schultz* v. *Highland Gold Mines Co.*, 158 Fed. 337 (D. Ore.). And Federal courts enjoin the enforcement of void state judgments. *Simon* v. *Southern Ry. Co.*, 236 U. S. 115. See 2 FOSTER, *op. cit.*, 1344. The court in the principal case rests its decision on the invalidity of the state judgments. But the state judgments are not void; the proceedings up to and including judgment were entirely regular. The judgments might properly have been satisfied out of the revolving fund provided by statute. See 41 STAT. AT L. 462, 468. To seek to satisfy them by execution was, however, a direct violation of the statute. See 41 STAT. AT L. 462. The executions may, therefore, be treated as void. *Cf. Planters' Loan & Sav. Bank* v. *Berry*, 91 Ga. 264, 18 S. E. 137; *Pacific Nat. Bank* v. *Mixter*, 124 U. S. 721. It is arguable that the proper remedy is in the state court. But if Federal courts may restrain proceedings under fraudulent and void state judgments, the same reasoning will support an injunction against proceedings under void executions. On this ground the decision may be supported.

GARNISHMENT — EFFECT OF DEATH OF PRINCIPAL DEFENDANT. — The plaintiff brought an action against A's testator, and garnished X, as permitted by statute. (1919 WASH. CODE., § 7999.) Before judgment in the main action, A's testator died, and A was substituted as defendant. X confessed the garnished debt and paid the money into court. The plaintiff, having recovered judgment against the new defendant, moves the court to pay him sufficient of the money paid in by X to satisfy it. *Held*, that the motion be granted. *Hawley* v. *Isaacson*, 200 Pac. 1109 (Wash.).

Garnishment proceedings in this country are purely statutory. See ROOD, GARNISHMENT, § 6; DRAKE, ATTACHMENT, 7 ed., § 451a. Where there is no express statutory provision, it would seem as a matter of construction that these proceedings, being meant to follow the main action, and being merely ancillary thereto, should survive or abate with it. *Dennison* v. *Taylor*, 142 Ill. 45, 31 N. E. 148; *Iron Cliffs Co.* v. *Lahais*, 52 Mich. 397, 18 N. W. 121; *Segar* v. *Muskegon Lbr. Co.*, 81 Mich. 345, 45 N. W. 982; *Kennedy* v. *Tiernay*, 14 R. I. 528. *Cf.* Shafter, J., dissenting, in *Myers* v. *Mott*, 29 Cal. 359, 370. And see 2 SHINN, ATTACHMENT & GARNISHMENT, § 682; ROOD, *op. cit.*, § 2. If the particular statute under which the action is brought permits garnishment only for the purpose of compelling the appearance of the principal defendant, then it is sound to hold that the garnishment is dissolved by his death prior to judgment. *Reynolds* v. *Nesbitt*, 196 Pa. St. 636, 46 Atl. 841. *Cf. Sweringen* v. *Adm'r of Eberius*, 7 Mo. 421. But under most of the modern statutes the primary purpose of garnishment is to secure the creditor. *Oberteuffer* v. *Harwood*, 6 Fed. 828 (D. Minn.). See *Kennedy* v. *Tiernay*, *supra*, at 530. *Cf. Clark* v. *Patterson*, 58 Vt. 676, 5 Atl. 564. See ROOD, *op. cit.*, § 7. The effect of the garnishment is to give the plaintiff a lien on the assets of the principal defendant in the possession of the garnishee to secure whatever judgment he may recover in the main action. *Beamer* v. *Winter*, 41 Kan. 596, 21 Pac. 1078; *Burlingame* v. *Bell*, 16 Mass. 318; *Beiber* v. *Weiser*, 1 Woodw. Dec. (Pa.) 473; *Wilder* v. *Weatherhead*, 32 Vt. 765. *Cf. Kittredge* v. *Warren*, 14 N. H. 509. It is clear that the death of the principal defendant after judgment would not defeat this lien. *Coit* v. *Sistare*, 85 Conn. 573, 84 Atl. 119. The principal case is manifestly sound in holding that his death even before judgment does not dissolve the garnishment, where the main action survives. *Logan* v. *Trust Co.*, 203 N. Y. 611, 96 N. E. 1120; *Mitchell* v. *Schoonover*, Oreg. 211, 214, 17 Pac. 867, 869. But see *Myers* v. *Mott*, 29 Cal. 359.